

REMARKS/ARGUMENTS

Claims 12-14 and 23-24 are canceled without prejudice. Claims 1-11 and 15-22 are pending in the application. Reexamination and reconsideration of the application are respectfully requested.

The present invention relates to a laminated piezoelectric device and, more specifically, to a laminated piezoelectric device of the co-fired type in which conducting layers and piezoelectric layers are formed by co-firing, to a method of producing the same, and to an injection apparatus equipped with the laminated piezoelectric device. (Applicant's specification, at p. 1, lines 4-10).

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

Claims 23 and 24 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Seiji (JP 11-145525). Claims 23 and 24 are canceled without prejudice, and thus, the § 102(b) rejections to those claims are presently moot.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1-11 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuda (JP 2006-228866A). Claims 16-21 are rejected under the same and with Official Notice. (Claim 22 was not rejected in the Office Action.) Applicant traverses the rejections.

Applicant suggests that the § 103(a) rejections should be withdrawn because Tsuda is not prior art to the present invention. Specifically, the U.S. filing date of present application predates the publication date of Tsuda, which was August 31, 2006. The present application is the national stage of international application PCT/JP2004/019447, which was filed December 17, 2004. The U.S. filing date of an international application designating U.S. is the international filing date (MPEP

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Section 1893.03(b)). Thus, the U.S. filing date of the present application is also December 17, 2004, which predates Tsuda's publication date of August 31, 2006. (Applicant notes that the present application claims foreign priority of JP 2003-426902, which was filed on December 24, 2003. But, as shown above, applicant needs not perfect the foreign priority claim to predate Tsuda's priority date.

Since Tsuda is not prior art to the present application, the § 103(a) rejections should be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310)785-4600 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
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